IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 20912 of 2004

Between:

1 M. Subba Reddy, S/o. Subba Reddy,
R/o. Reddipalle Village, Atlur Mandal, Kadapa District.
2 P. Venkatarami Reddy, S/o. Rama Subba Reddy,
R/o. Reddipalle Village, Atlur Mandal, Kadapa District.

..... PETITIONERS

AND

1 The District Collector, Kadapa District, Kadapa.
2 The Mandal Revenue Officer, Atlur Mandal, Kadapa District.
3 K. Chennamma, W/o. Late Gurraiah,
R/o. Reddipalle Village, Atlur Mandal, Kadapa District.
4 sige Balamma, W/o. Madan,
R/o. Reddipalle Village, Atlur Mandal, Kadapa District.
5 Sige Munemma, W/o. Chinna Prasad,
R/o. Reddipalle Village, Atlur Mandal, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st and 2nd respondents in not considering and further processing the applications of the petitioners submitted under Form-a of Assignment rules for grant of assignment of 5-00 acres to the 1st Petitioner and 1.50 acres to the 2nd petitioner in sy.No. 795 of Reddipalle Village, Atlur Mandal, Kadapa District as illegal, unjust, arbitrary, dilatory and against the statutory provisions including para 10 of Board Standing Order No.15 and consequently direct the 1st and 2nd respondents to consider the further process the applications of the petitioners for grant of assignment of 5.00 acres to the 1st Petitioner and 1.50 acres to the 2nd petitioner in Sy.No. 795 of Reddipalle Village, Atlur Mandal, Kadapa District.

Counsel for the Petitioners:MR.L.J.VEERA REDDY
Counsel for the Respondent Nos.1&2: GP FOR REVENUE
Counsel for the Respondents 3 to 5:MR.T. NAGARJUNA REDDY

The Court, at the stage of admission, made the following :

ORDER

Heard the learned counsel for the petitioners, learned Government Pleader for Revenue for respondents 1 and 2 and learned counsel for respondents 3 to 5. With their consent, the writ petition is taken up for disposal at the stage of admission itself.

Petitioners claim to have made representations to the respondents 1 and 2 requesting for assignment of five acres of land in Sy.No.795 in Reddipalle Village under ex-serviceman quota and as per para 10 of the Board Standing Order No.15 claiming that they are landless poor persons. In the meanwhile, respondents 3 to 5 filed Writ Petition No.15321 of 2004 against respondents 1 and 2 to process their applications for assignment of land in their favour. This Court by order dated 4.10.2004 disposed of the writ petition observing that the entitlement of the petitioners therein for assignment of the land in their favour has to be decided by the second respondent and further, directed the second respondent to consider the applications of respondents 3 to 5 dated 13.1.2004 and if they are found to be eligible for assignment of the land, which claims to be in their possession, he shall send necessary proposals to the first respondent for taking appropriate steps.

In this writ petition, the petitioners claim that they are in possession of the property in question and no final orders as such were passed pursuant to the notice issued under Section 7 of the A.P. Land Encroachment Act, 1905 (for short 'the Act').

In view of the above, the respondents shall communicate to the petitioners a copy of the final order, if any, passed under Section 6 of the Act and if the said order had become final, the second respondent has to consider the claim of the petitioners as well as respondents 3 to 5 for assignment of the land in question, if it is available for such assignment, and decide as to who are eligible for such assignment either under the category of 'landless poor person' or under any other category permissible under the Act.

With the above directions, the writ petition is disposed of. No costs.

A. GOPAL REDDY. J.

16th November, 2004

tsr.

To

1 The District Collector, Kadapa District, Kadapa.
2 The Mandal Revenue Officer, Atlur Mandal, Kadapa District

3. Two C.C.s to Government Pleader for Revenue, High Court Buildings, Hyderabad.(OUT)

4. Two C.D. copies.